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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,787	12/09/2003	Roy D. Roberts	6577P004	8942
8791	7590	04/28/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			ROY, SIKHA	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/732,787	ROBERTS, ROY D.	
	Examiner	Art Unit	
	Sikha Roy	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 1306.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4 and 9-15 is/are allowed.
- 6) ☒ Claim(s) 1,16 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-8,17-21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendment, filed on February 13, 2006 has been entered and acknowledged by the Examiner.

Cancellation of claim 2 has been entered.

The indicated allowability of claims 2 and 16 is withdrawn in view of the newly discovered reference. Rejections based on the newly cited reference(s) follow.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,054,812 to Lessner et al.

Regarding claim 1 Lessner discloses (Figs. 1, 2 column 1 line 63 through column 2 lines 11, 28-34) an arc lamp 6 comprising an anode 12, a cathode 14, a body defining cavity wherein the anode and the cathode are inside the cavity, a filter (ozone trap acts as absorption filter column 1 lines 46-48) 50 mounted within the cavity and a washer 53 to hold the filter in the cavity.

Regarding claim 16 Lessner discloses method of making an arc lamp comprising mounting a filter 50 within a cavity defined by a body of the arc lamp 6 and coupling a washer 53 to the filter 50.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,054,812 to Lessner et al., and further in view of U.S. Patent 3,644,768 to McRae.

Regarding claim 22 Lessner does not explicitly disclose the operating temperature of the arc lamp.

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McRae in same field of endeavor discloses (column 3 lines 22,23) the temperature is approximately 300°C when the lamp is on. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to mention the lamp of Lessner operating at temperature of approximately 300°C as cited by McRae which being the usual operating temperature for an arc lamp.

***Allowable Subject Matter***

Claims 3,4,9-15 are allowed over the prior art of record.

Regarding claim 3 the prior art of record neither teaches nor suggests an arc lamp having a filter including an aperture through which the cathode goes.

Claim 4 is allowed because of its dependency status from claim 3.

The reasons for allowing claims 9-15 have already been cited in the previous action.

Claims 5-8, 17-21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5 and 20, the prior art of record does not render obvious the filter of claim 1 as disclosed by Lessner made of narrow band-pass glass.

Regarding claims 6 and 21, the prior art of record does not render obvious the filter of claim 1 as disclosed by Lessner made of heat-absorbing glass.

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Regarding claims 7 and 23, the prior art of record does not render obvious the filter of claim 1 as disclosed by Lessner made of circular quartz disc..

Regarding claim 8, the prior art of record does not render obvious the filter of claim 1 as disclosed by Lessner operating within temperature range of – 40°C to 500°C.

Regarding claim 17 the prior art of record neither teaches nor suggests an arc lamp with a filter defining an aperture substantially centered on the filter.

Claims 18,19 would be allowable for the same reason cited for claim 17 because of their dependency status from claim 17.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Sikha Roy*

Sikha Roy  
Patent Examiner  
Art Unit 2879